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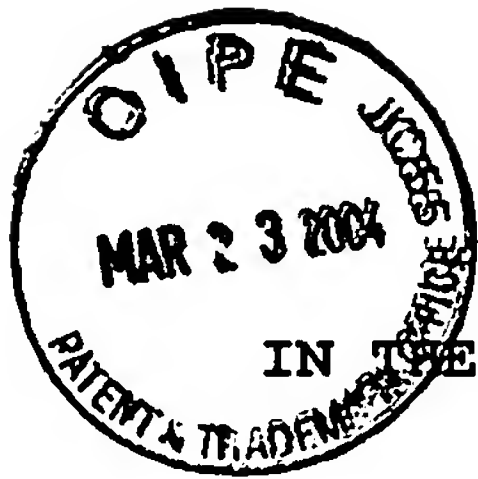
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/605,740) Confirm. No. 2739
Applicant : David E. Clement et al.)
Filed : October 22, 2003)
TC/Art Unit : 1744)
Examiner : Theresa T. Snider)
Docket No. : MAGD.01P)
Cust. No. : 23732)

PETITION TO MAKE SPECIAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

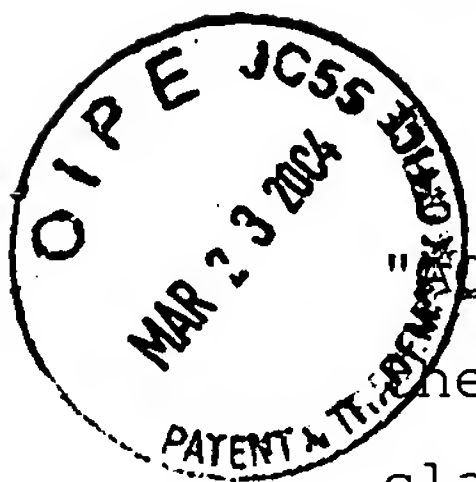
Applicant respectfully petitions that this application be made special under the provisions of 37 C.F.R. 1.102, based upon the ground of the actual infringement of Applicants' invention.

As is stated in Applicants' attached DECLARATION IN SUPPORT OF PETITION TO MAKE SPECIAL, the text of Claims 1 and 10 of the above-identified application accurately describe the structure of the "AQUARIDE" rider/extractor product :

Based upon the standard set forth in Corning Glass Works v. Sumitomo Elec. U.S.A., Inc., 868 F.2d 1251, 1259 (Fed. Cir. 1987):

To establish infringement, every limitation set forth in a patent claim must be found in an accused product or process exactly or by a substantial equivalent;
a rigid comparison of the "AQUARIDE" rider/extractor with each and every limitation in Claims 1 and 10 warrants a conclusion that both claims are infringed.

Serial No.: 10/605,740
Petition Dated: March 23, 2004
Petition to Make Special: Infringement



That based upon the foregoing rigid comparison of the "AQUARIDE" rider/extractor with the language of Claims 1 and 10 of the above-described application, it is my opinion that some of the claims of the above-described application are unquestionably infringed.

An Information Disclosure Statement for the above-described application was filed electronically on March 17, 2004, listing those references known to Applicants that are deemed to be the most closely related to the claimed invention.

The present Petition is accompanied by the fee required under 37 C.F.R. 1.17(h).


Favorable consideration of this Petition to Make Special is respectfully requested.

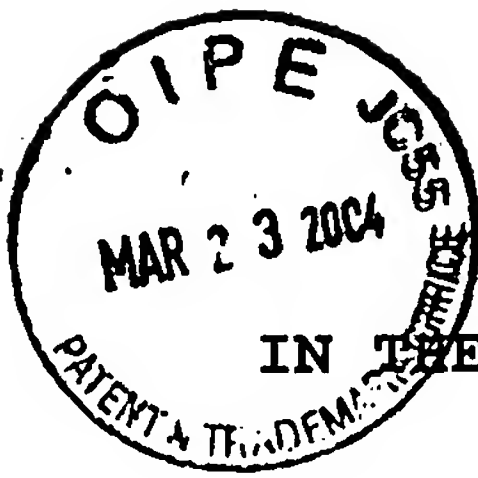
If there are any questions or other issues that might be resolvable by a telephone call with Applicants' counsel, the Office is invited to place same at the number indicated below.

Respectfully submitted,

KENEHAN & LAMBERTSEN, LTD.

Dated: 23 MAR 2004

By: 
John C. Lambertsen
Registration No. 29,400
1771 E. Flamingo Road
Suite 211B
Las Vegas, NV 89119-5154
(702) 796-3476



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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)	

DECLARATION IN SUPPORT OF PETITION TO MAKE SPECIAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Joseph J. Guzik, declare and say as follows:

That I am a citizen of the United States of America, and a resident of Las Vegas, Nevada.

That I am a co-inventor of the invention described and claimed in the above-identified patent application.

That I am presently employed by Brady Industries, Inc., of Las Vegas, Nevada, as an Account Representative, and sell janitorial equipment and cleaning supplies to my various accounts located in and around Las Vegas, Nevada.

That as part of my job responsibilities as an Account Representative I am actively engaged in learning of and about new janitorial equipment and supplies, including rideable equipment, in the sanitary maintenance industry.

Serial No.: 10/605,740

Declaration Dated: March 22, 2004

Declaration in Support of Petition to Make Special

That in my capacity as an Account Representative I became aware of a ride-on carpet extractor manufactured by Nilfisk-Advance and sold under the trademark "AQUARIDE".

That on several different occasions over the past year or so I have inspected an actual "AQUARIDE" rider and observed one or more operational demonstrations of the "AQUARIDE" equipment when configured as a ride-on carpet extractor.

That to the best of my knowledge, information, and belief, the "AQUARIDE" rider is actually on the market and has been purchased and used by customers of Brady Industries, Inc.

That to the best of my knowledge, information, and belief, and based upon visual inspection and operational demonstrations, the "AQUARIDE" ride-on carpet extractor is accurately described as: an operator driven rideable carpet-cleaning machine of the type having a cleaning solution reservoir, a vacuum blower and waste water holding tank, and a raisable power brush platform located between front and rear support wheels, and includes a pair of counter-rotating cylindrical brushes attached to said raisable power brush platform and a liquid spray nozzle attached to said carpet cleaning machine at a position forward of said pair of counter-rotating cylindrical brushes, said liquid spray nozzle in fluid communication with said cleaning solution reservoir.

That to the best of my knowledge, information, and belief, and based upon visual inspection and operational demonstrations, the "AQUARIDE" ride-on carpet extractor is, alternatively, accurately described as: a scrubbing machine for scrubbing a soft floor surface comprising: a frame; means to move said scrubbing machine along said soft floor surface in a manner

Serial No.: 10/605,740

Declaration Dated: March 22, 2004

Declaration in Support of Petition to Make Special

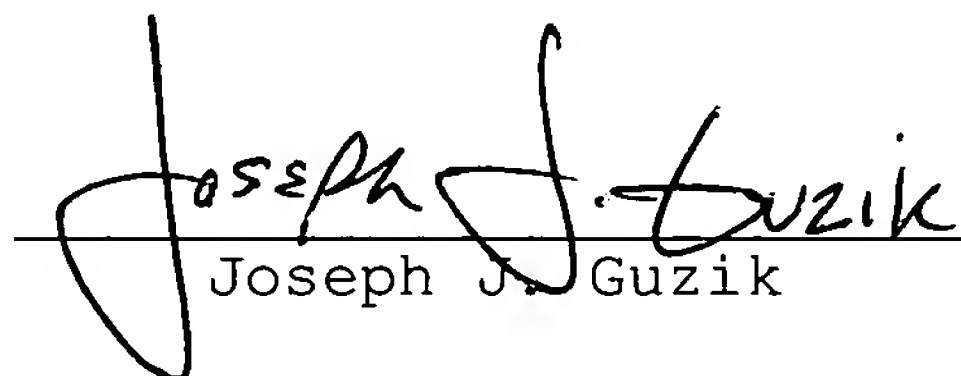
defining a path of movement; a pair of surface engaging rotary tools mounted on said frame for rotation about parallel, transversely extending axes; at least one spray nozzle mounted on the frame for applying a scrubbing liquid to said soft floor surface in said path of movement in advance of said rotary tools; and means mounted on said frame for collecting said scrubbing liquid after application of same to said soft floor surface, said collecting means including at least one surface engagable vacuum shoe.

That the sales brochure attached hereto as Attachment A provides a substantially accurate description of the "AQUARIDE" rider, both of its structure and of its operating features and characteristics.

That the undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Dated: 3-22-04

MAGD.01P.DECL
Mar-04


Joseph J. Guzik



03-24-04

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/605,740

Filing Date

10/22/2003

First Named Inventor

Peter D. Magdos, et al

Art Unit

1744

Examiner Name

Theresa T. Snider

Attorney Docket Number

MAGD.01P

ENCLOSURES (Check all that apply)



Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)



Response to Missing Parts/
Incomplete Application



Response to Missing Parts
under 37 CFR 1.52 or 1.53



Drawing(s)



Licensing-related Papers



Petition



Petition to Convert to a
Provisional Application



Power of Attorney, Revocation
Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____

Remarks



After Allowance communication
to Technology Center (TC)



Appeal Communication to Board
of Appeals and Interferences



Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)



Proprietary Information



Status Letter



Other Enclosure(s) (please
Identify below):

Declaration in Support of Petition to Make
Special

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual name

Kenehan & Lambertsen, Ltd

Signature

Date

March 23, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name

John C. Lambertsen

Signature

Date

March 23, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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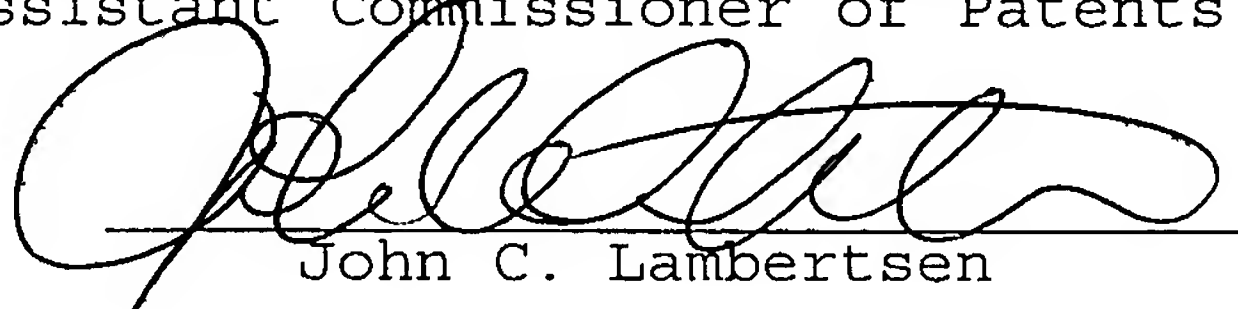
CASE #: MAGD.01P
APPLICANT: David E. Clement James G. Campbell Joseph J. Guzik
Peter D. Magdos
TITLE: SOFT FLOOR SCRUBBER
Serial No.: 10/605,740; Filed: October 22, 2003

CERTIFICATE IS ATTACHED TO THE DECLARATION IN SUPPORT OF PETITION
TO MAKE SPECIAL (3 PAGES) OF THE ABOVE-NAMED PATENT APPLICATION.

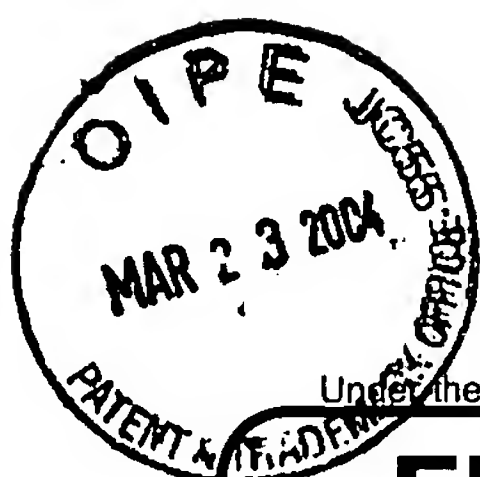
EXPRESS MAIL NO. EL561721929US

DATE OF DEPOSIT: March 23, 2004

I hereby certify that this paper or fee is being deposited
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to Addressee" service under 37 CFR §1.10 on the date indicated
above and is addressed to the Assistant Commissioner of Patents,
Washington, D.C. 20231.



John C. Lambertsen



PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$) 130

Complete if Known

Application Number	10/605,740
Filing Date	October 22, 2003
First Named Inventor	Peter D. Magdos, et al
Examiner Name	Theresa T. Snider
Art Unit	1744
Attorney Docket No.	MAGD.01P

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit Account Number
Deposit Account Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims			
Independent Claims			
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) **Petition To Make Special** 130

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.00

SUBMITTED BY

(Complete (if applicable))

Name (Print/Type)

John C. Lambertsen

Registration No.
(Attorney/Agent)

29,400

Telephone

702-796-3476

Signature

Date

March 23, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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CASE #: MAGD.01P

APPLICANT: David E. Clement James G. Campbell Joseph J. Guzik
Peter D. Magdos

TITLE: SOFT FLOOR SCRUBBER

Serial No.: 10/605,740 Filed: October 22, 2003

CERTIFICATE IS ATTACHED TO THE PETITION TO MAKE SPECIAL (2 PAGES)
OF THE ABOVE-NAMED PATENT APPLICATION.

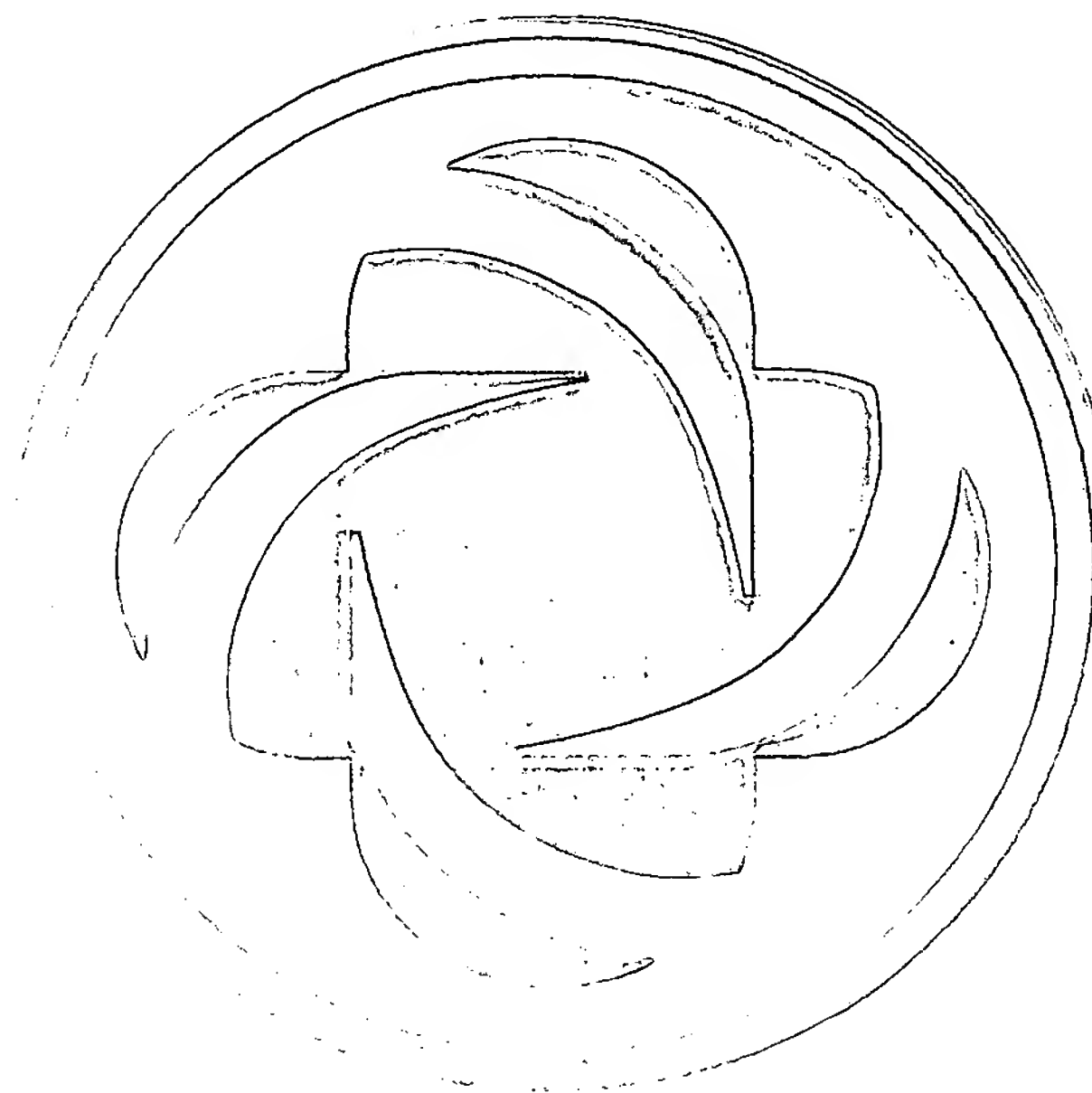
EXPRESS MAIL NO. EL561721929US

DATE OF DEPOSIT: March 23, 2004

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above and is addressed to the Assistant Commissioner of Patents,
Washington, D.C. 20231.

A handwritten signature in black ink, appearing to read "John C. Lambertsen".

John C. Lambertsen



Driving Innovation



RIDING. NOT WALKING.

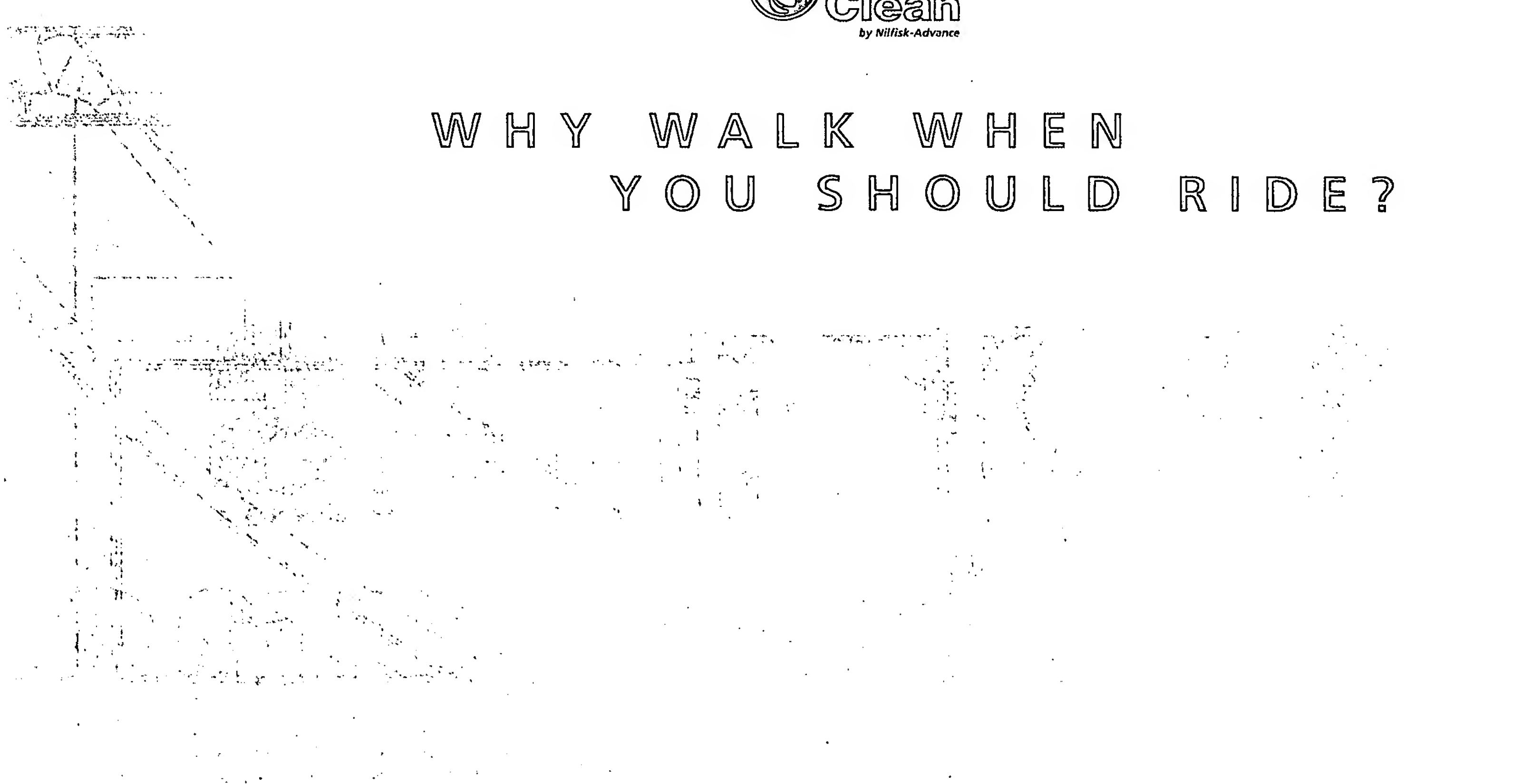
WHAT A REVOLUTIONARY IDEA.

Unveiling a world-wide technical innovation in cleaning — the Advance Advenger™ and AquaRide™ lines. Revolutionary cleaning concepts that will change the way the industry thinks about cleaning. Featuring 10 interchangeable cleaning configurations, multiple cleaning solutions can be created by simply changing a cleaning deck. They grow as your needs grow without costly machine replacement. Advance is setting the standard and leading the way in innovation — again. Through Total Clean™ technology, we've created a better cleaning concept that produces superior results and is easier to clean and maintain. It's driving innovation through design that reduces the cost to clean. Proving once again that

Advanced innovation really *does* matter.



WHY WALK WHEN
YOU SHOULD RIDE?





ADV ENGER

AHEAD OF THE REST.
THE ADVANCE ADVENGER.

It's the first 24-inch rider scrubber and sweeper/scrubber. Designed to clean narrower aisles, it travels where no other has before. To tackle wider paths, consider the 26", 28", and 32" disc or cylindrical decks. All have the industry's best turning radius — 63" and increase productivity by more than 200%. Walk-behinds can't compare.

AQUARIDE

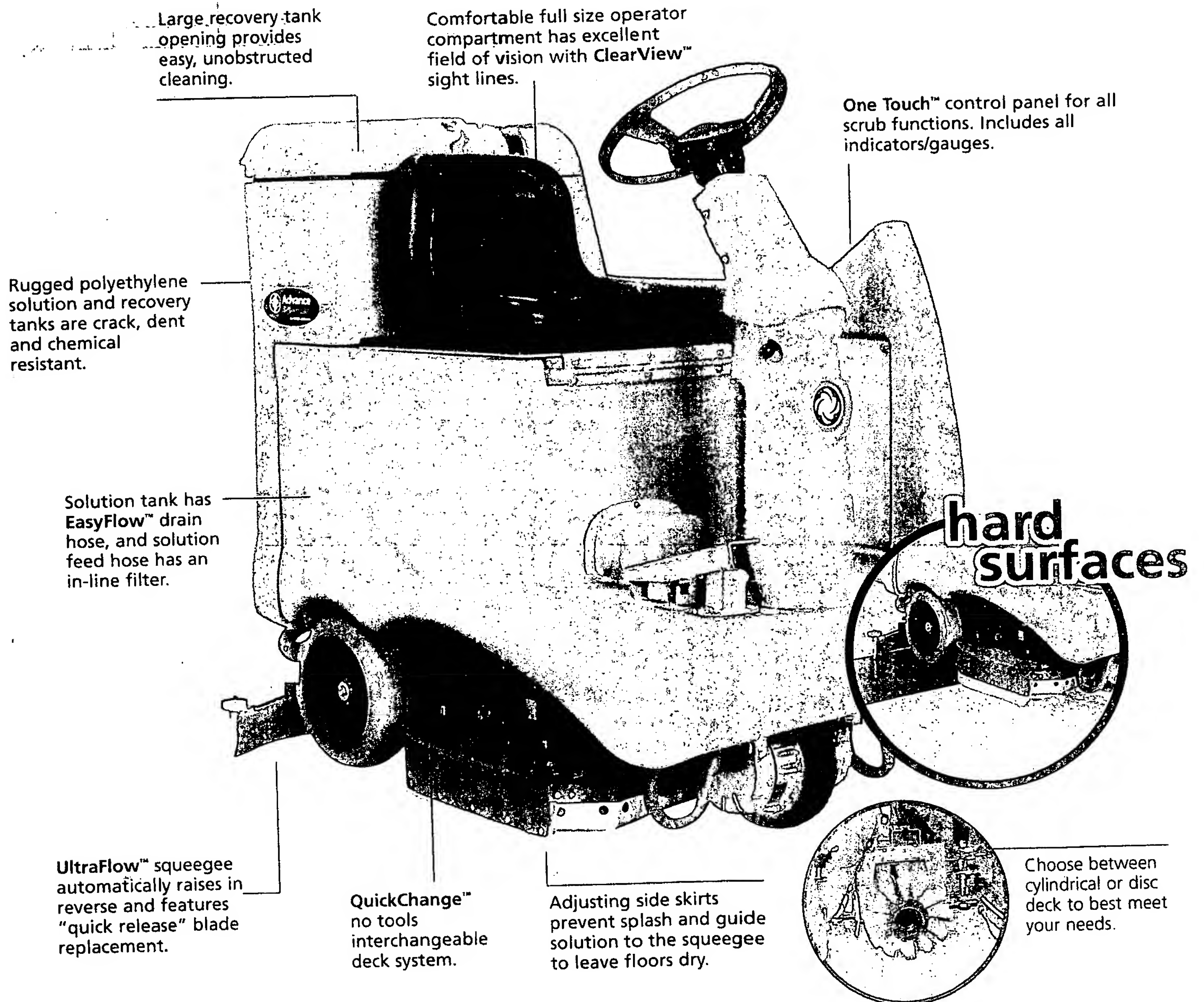
WHY WALK? INTRODUCING THE ADVANCE
AQUARIDE AND AQUARIDE SE.

It's the first rider carpet extractor AND the first multitasking rider sweeper/extractor. The AquaRide SE replaces two tasks with one and increases productivity by more than 400%. Plus, it features a restoration mode and a low moisture mode to meet your cleaning needs. There's never been anything like it.

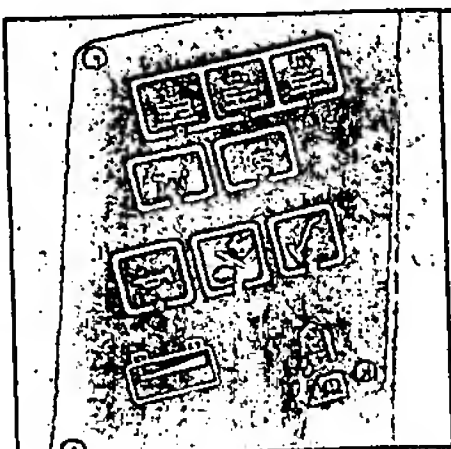


DEFINING INNOVAT

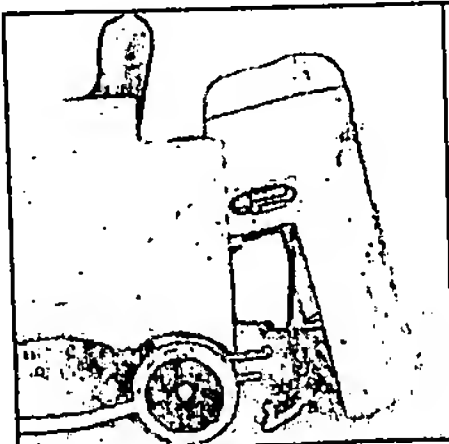
ADVANGER™ RIDER SCRUBBER AND SWEEPER/SCRUBBER



ADDED FEATURES



One-touch electronic function controls are conveniently located to keep operation simple and safe.



Easy access to batteries, squeegee and other components assures minimal down time.



Daily maintenance is made easy with no-tools-required brush and disc removal.



IONS IN CLEANING

AQUARIDE™ RIDER EXTRACTOR AND SWEEPER/EXTRACTOR

Large recovery tank is fitted with a float system to protect the vacuum motors from overflow.

Rugged 45 gallon polyethylene solution tank is crack and dent resistant.

Solution tank has EasyFlow drain hose, and solution feed hose has an in-line filter.

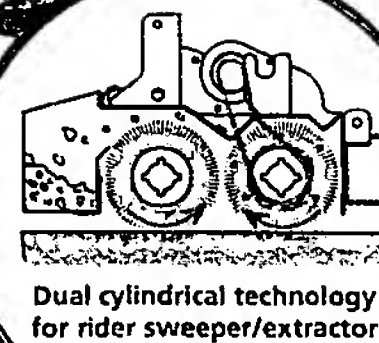
Dual vacuum shoes with down pressure enable quick dry times

QuickChange no tools interchangeable deck system.

Variable volume, One Touch horn and backup alarm are standard.

Steering column is adjustable for ClearView sight lines and comfort: tilts upright for easy boarding.

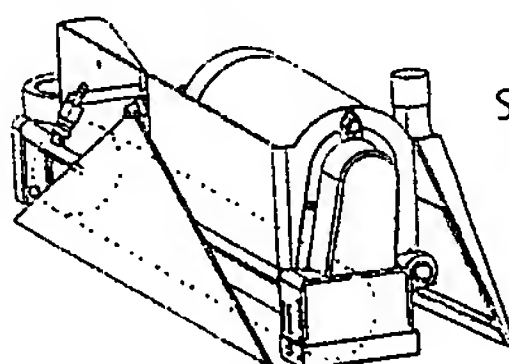
soft surfaces



AquaRide SE features dual rotating brushes that sweep and clean both sides of the carpet. Excess debris is collected into the hopper.

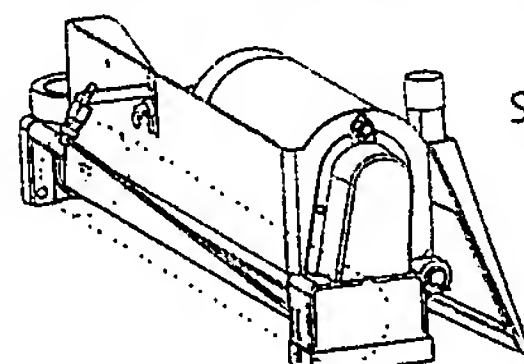
The AquaRide features two modes of cleaning.

1. RESTORATION MODE

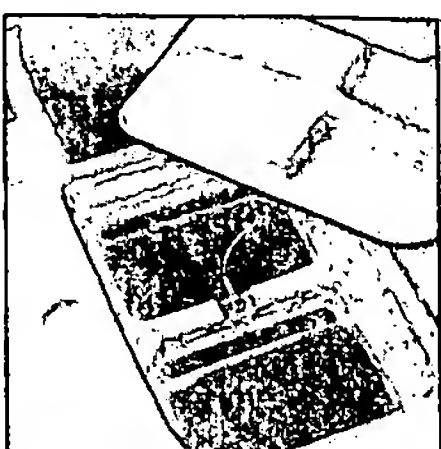


Solution sprays directly into the carpet for deep cleaning.

2. LOW MOISTURE MODE



Solution sprays on brush for low-moisture cleaning.



Low sound level, dual vacuum motors on the AquaRide are protected by an anti-foam chamber and easy access vacuum filter.



INCREASE PRODUCTIVITY REDUCE THE COST TO CLEAN

People who pass through businesses appreciate clean floors. It affects how a business is perceived.

That affects the bottom line. Get squeaky-clean performance and floors on a tight budget. Quick one-pass cleaning means increased productivity, safety and improved cleaning results with the Advance Advenger™.

Floors are clean and dry the first time. When compared to walk-behinds, the Advenger increases productivity by more than 200%. With the AquaRide™ SE, carpets are swept and extracted in one pass. Compared to a vacuum and extractor, the AquaRide SE increases productivity by more than 400%.

NOW THAT'S REDUCING THE COST OF OWNERSHIP.

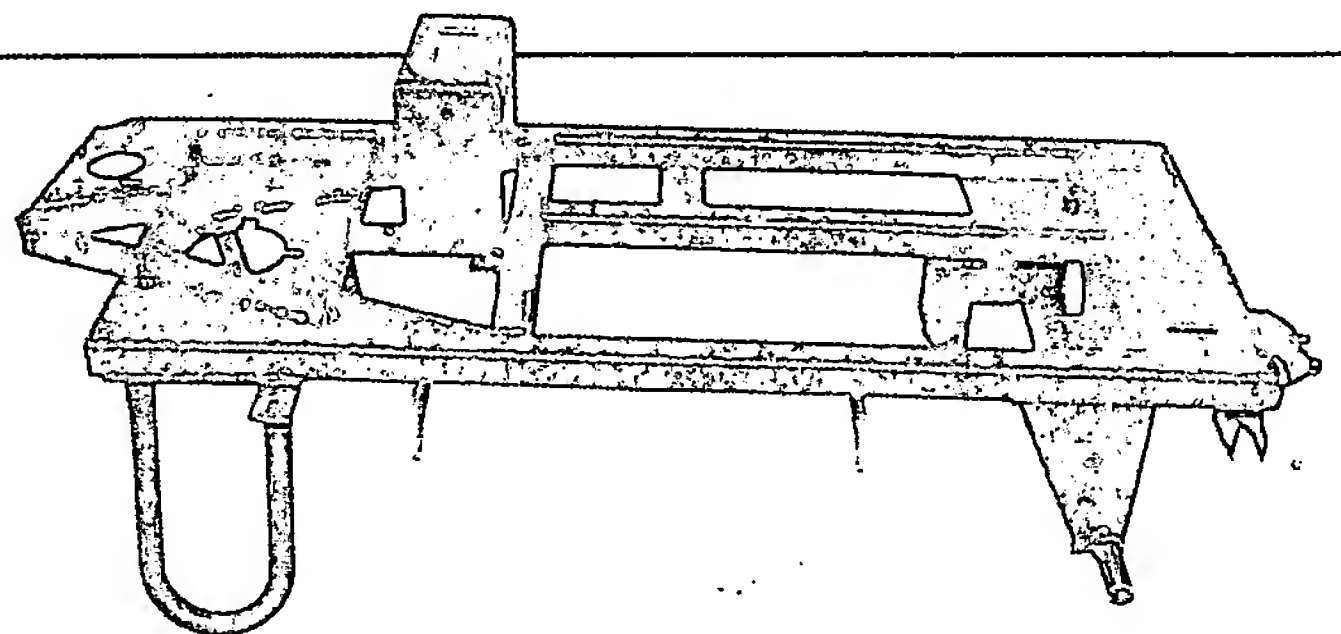
AHEAD OF THE REST. • FIRST OF SHOW. • ONE OF A KIND. Not only is it comfortable to use, it is easier and safer to operate. Superior visibility. Less fatigue. More energy for the rest of the workday. An ergonomic control pad permits smooth commanding while maneuvering. It is fun to drive and looks as great as it performs. The benefit to you? Reduced employee turnover and increased productivity that drives down the cost to clean.

ADDED DRIVING INNOVATION

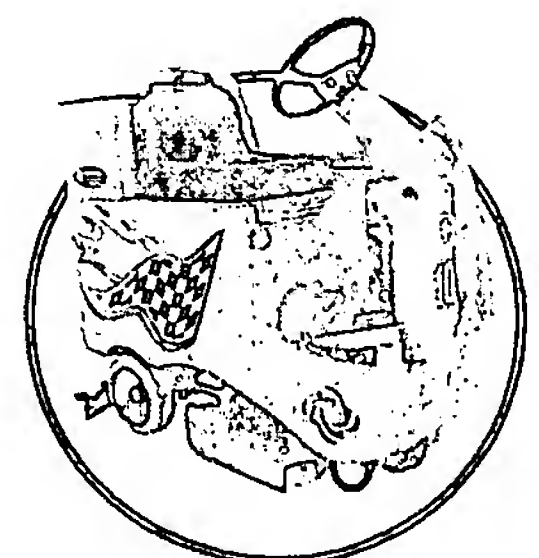
STRENGTH WITHIN

The Advance Advenger and AquaRide space-frame inspired design is found in everything from airplanes to high-performance race cars. It's the inspiration that fueled the foundation for Advance's newest additions. This proven self-reinforcing design

dramatically increases overall strength by spreading stress over a large area rather than compressing it into a single support. Besides an incredibly thick, 10-gauge steel frame that ensures remarkable durability, Advance packaged the most innovative features with components like disc brakes, front wheel drive and rugged polyethylene construction. Expect nothing less. Advance — a company driven to build the best.



*Advance is the official cleaning equipment
supplier for Dale Earnhardt Incorporated and
Richard Childress Racing Enterprises.*



ADVANGER

RIDER SCRUBBER, SWEEPER/SCRUBBER

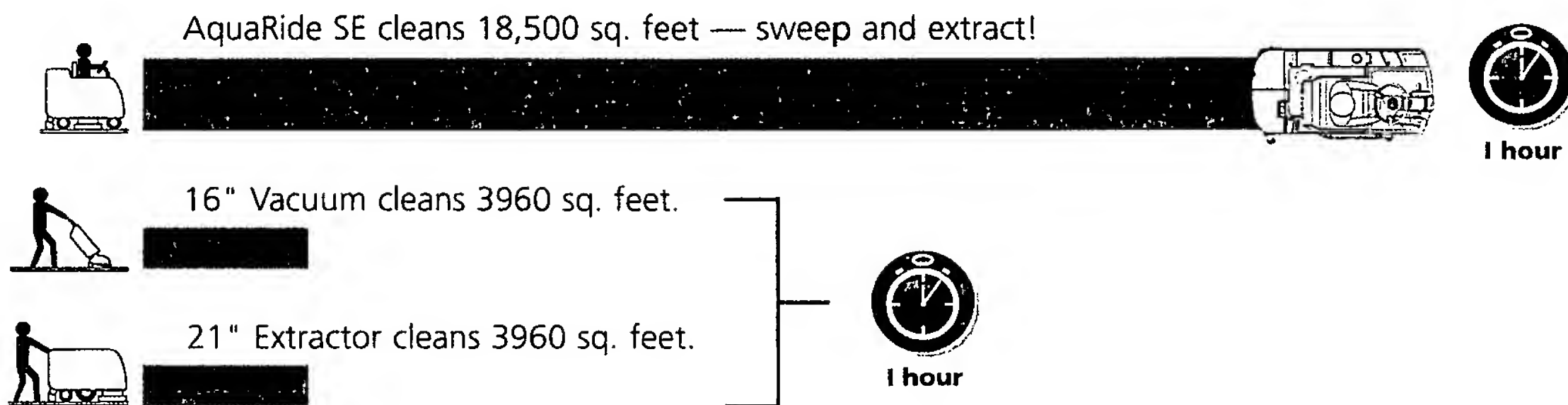
The Advance Advenger can clean up to 63,360 square feet per hour. A competitive 26" walk-behind scrubber only cleans 30,000 square feet per hour. **The Advenger difference is an increase in productivity by more than 200%.**



AQUARIDE

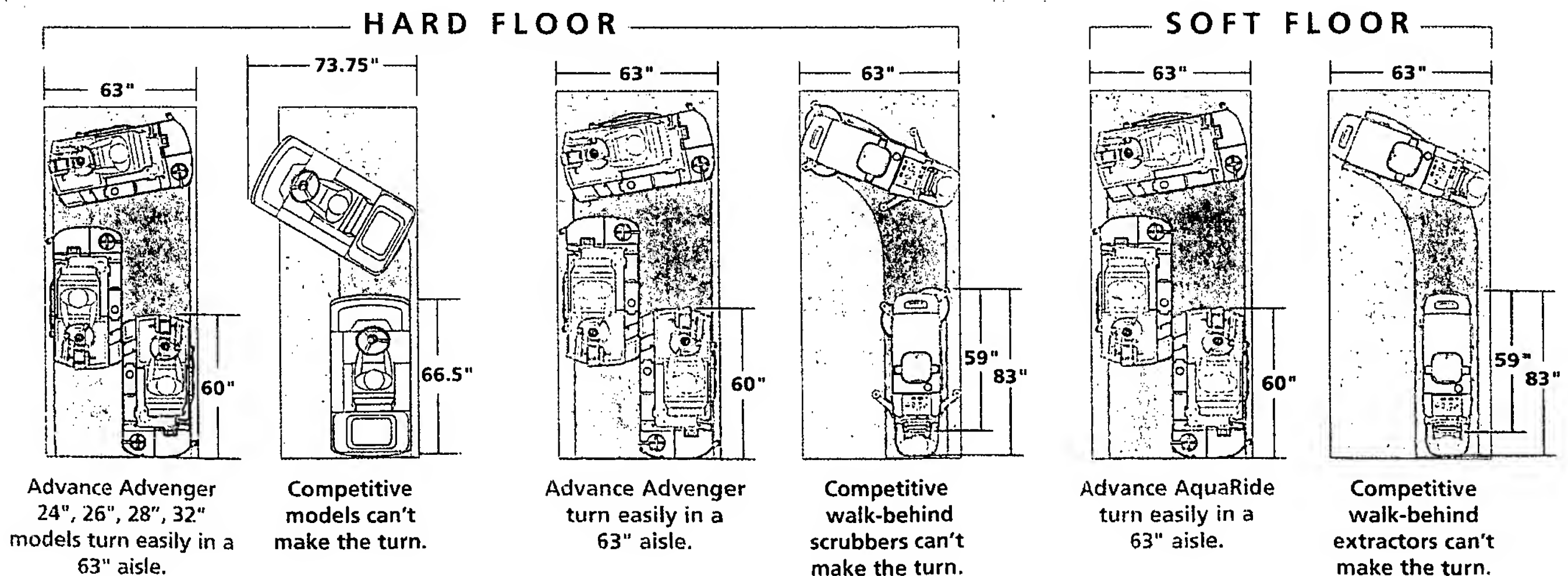
RIDER EXTRACTOR, SWEEPER/EXTRACTOR

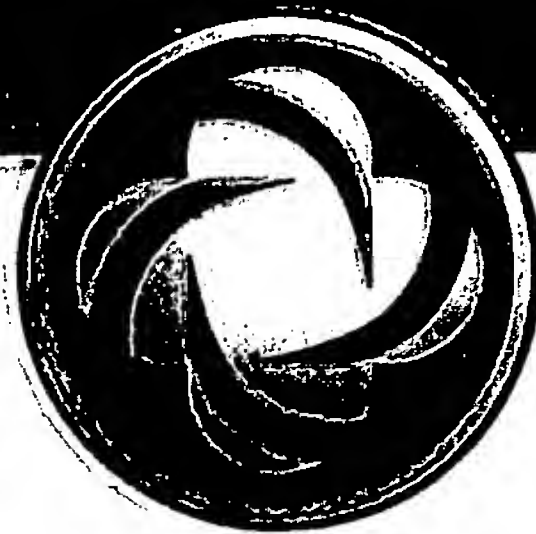
The Advance AquaRide SE cleans up to 18,500 square feet per hour. A 16" vacuum and 21" extractor, both required to do the same job, can only clean up to 3,960 square feet per hour. **The AquaRide difference is an increase in productivity by more than 400%.**



SUPERIOR TURNING

With wheels in motion, Advance Advenger and AquaRide one-of-a-kind turning radius maximizes mobility while maintaining the optimum size for maneuvering through 32" and 36" doorways and aisles. Able to turn 180° left or right in a 63-inch aisle, it's the industry's best aisle turning radius.





GET ADVENGERIZED

The Advance Advenger™ and Advance AquaRide™ feature driving innovation that reduces the overall cost of cleaning. Advance's Total Clean™ technology creates savings over the long term. It's designed to make it easier for you.

Easier to lower cleaning costs. Easier to grow with your needs. Easier to clean. Easier to maintain. And don't forget durability. It's the most innovative, most technically-advanced product available to meet your cleaning demands today and beyond. Simply put — there's nothing like it, and it sets new standards.

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